

PATENT 22750/527

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.

10/081,517

Inventor

Walter BRANDENBURGER

Filed

February 21, 2002

For

HYDROPNEUMATIC, LEVEL-REGULATED AXLE

SUSPENSION ON VEHICLES, IN PARTICULAR FOR

**FULL-SUSPENSION VEHICLES** 

Examiner

Laura B. ROSENBERG

Art Unit

3616

Confirmation No.

1022

Mail Stop Petition Commissioner for Patents P. O. Box 1450

Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: October 31, 2005

Reg. No. 31,792

Signature:

Richard M. Rosati

#### PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION **UNDER 37 C.F.R. §1.181**

SIR:

Applicants hereby respectfully petition to withdraw holding of abandonment based on failure to receive office action under 37 C.F.R. §1.181. The application became abandoned for failure to pay the issue fee within three-months from the date of the Notice of Allowance pursuant to 35 U.S.C. §151. According to USPTO records a Notice of Allowance was mailed December 29, 2004. The issue fee was not paid by the 3-month deadline.

Applicant hereby submits the required issue fee payment as specified in the Notice of Allowance in an issue fee transmittal, which is submitted herewith.

The delay in paying the issue fee from its due date until the filing of this Petition was unavoidable, as Applicant did not receive the Notice of Allowance purported to have been mailed on December 29, 2004 by the United States Patent and Trademark Office.

The Notice of Allowance was not received at the mailing address of record. It is not in our files nor has it been docketed, thus we are confident that we did not receive it. Annexed hereto as Exhibit A are docket records for mail received from December 27, 2004 to January 21, 2005, which indicate, no mail relating to the above-identified application was received from the United States Patent and Trademark Office for the period of December 27, 2004 to January 21, 2005. Additional docket records for mail received are available for additional periods if required. If the Notice of Allowance purported to have been mailed December 29, 2004 had been received, such receipt would be indicated on the docket records for mail received.

Annexed hereto as Exhibit B is a copy of the file jacket for the above-referenced application. The file jacket does not include an entry for the Notice of Allowance, which would have been entered if it was received in our office and the appropriate due date for the payment of issue fee would have been indicated on the same file jacket. Also, the docket reports would have been sent to the applicant indicating a due date for the issue fee.

Further, although the application was considered abandoned as of March 29, 2005 for failure to pay the issue fee, the United States Patent and Trademark Office did not mail the Notice of Abandonment until October 13, 2005. Applicants learned that the issue fee had not been paid and timely filed the present petition well within the two-month limit to be considered timely under 37 C.F.R. §1.181.

Accordingly, we respectfully submit that the foregoing is a sufficient showing that the entire delay in paying the issue fee until the filing of this petition was based on the failure to receive the Notice of Allowance from the United States Patent and Trademark Office.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees with regard to the payment of the issue fee or otherwise, commissioner is also authorized to credit any overpayment in connection with these papers to Deposit Account No. 11-0600. An issue fee transmittal is being paid concurrently under separate cover and a copy of same is submitted herewith. A duplicate of this paper is enclosed for charging purposes.

Respectfully submitted,

Date: October 31, 2005

By:

Richard M. Rosati (Reg. No. 31,792)

**KENYON & KENYON** 

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New York, NY 10004

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P40952USw 3	12755/ 4 I P	10/494910	P40952 USw 0 18403.PDF	S1100049428	S1100049428 Application SN 10/494,910	NY RECORDS NY	DiSomma, Bernadal
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P38730USw3	52433/724 PA	10/363174	P38730 USw 0 18352.PDF	\$1100034340	S1100034340 Application SN 10/363,174	NY RECORDS NY	18 Jan 2005 Kelly, John J.
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P32864US	10746/45 LP	10/971649	P32864 US 2 18406.PDF	\$1100059134	Application SN 10/971,649	NY RECORDS NY	Feltz, Jessica
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P38668US	11128/ 57903	10/777535	P38668 US 1 18391.PDF	\$1100042523	Application SN 10/777,535	NY RECORDS NY	Huang, Sharon T.
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P41091US	10191/3661 I P	10/851605	principal P41091 US 0 18388.PDF	S1100049421 /	Application SN 10/851,605	NY TEMP-15		
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### **Patent Jacket Data Sheet**

Firma/Carl Freudenberg 22750 //527

R.L. MAYER R.M. ROSATI

P36564 US

Client Ref 00PA0094

Office NY

M. PETRONE

Title HYDROPNEUMATIC, LEVEL-REGULATED AXLE SUSPENSION ON VEHICLES, IN PARTICULAR FOR FULL-SUSPENSION VEHICLES

### **Prosecution Particulars**

Parties

Prosecution Status Live - Pending

Priority Claimed 10112082.6

12-Mar-2001 Germany

Applicant/Regd.CARL FREUDENBERG
Inventor BRANDENBURGER, WALTE

Reel/Frame 012840/0477

Parent

Application 10/081517

21-Feb-2002 United States

Filed on

Publication 2002-0125654

12-Sep-2002

Allowed

**Grant Fees Paid** 

Grant

**Expiry** 

Agent KENYON N.Y.

Renewal Particulars

Renewal Status Not Responsible

Annuity

Next Due

Next Cost

**Cost Restof Life** 

Comm Date Communication / Action	Due Date	Last Date	Response Filed
File US Patent Application	12-Mar -2002	12-Mar -2002	21-Feb -2002
02-Apr -2002 Filing Receipt Rec'd			
10-Apr -2002 Assignment Filed	10-Apr -2002	10-Apr -2002	21-Feb -2002
10-Apr -2002 Priority Document Filed	10-Apr -2002	10-Apr -2002	21-Feb -2002
21-Feb -2002 Declaration Due Internal	21-Apr -2002	21-Aug-2002	28-Mar -2002
20-May-2002 Updated Filing Receipt Rec'd			
21-Feb -2002 Info.Disclosure Statement due	21-May-2002	21-May-2002	05-Sep-2003
28-Mar -2002 Respond to Not Missing Parts	28-May-2002	28-Oct -2002	10-Apr -2002
08-Jul -2002 Recorded Documents Rec'd			
20-Sep -2002 Notice of Publication Rec'd			
21-Feb -2002 Revoke Non-Pub if F/F.	21-Feb -2003	21-Feb-2003	21-Feb -2002
21-Feb -2002 18 mth. Pub. Date (estimated)	21-Aug-2003	21-Aug-2003	20-Sep-2002
06-Jun -2003 Amendment Due	06-Sep-2003	06-Dec-2003	05-Sep-2003
26-Nov -2003 R116 Response to Final Due	26-Jan -2004	26-Jan -2004	03-Feb -2004
23-Feb -2004 Advisory Action Received			
26-Nov -2003 Notice of Appeal Due	26-Feb -2004	26-May-2004	31-Mar-2004
31-Mar -2004 Preliminary Amendment Filed	31-Mar -2004	31-Mar-2004	31-Mar-2004
31-Mar -2004 Request Continued Examination	31-Mar -2004	31-Mar -2004	31-Mar -2004
15-Jul -2004 Amendment Due	15-Oct -2004	15-Jan -2005	07-Oct -2004
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08-Aug -2005 Communication from PTO			
05-Jan -2005 IDS Filed	05-Jan -2005	05-Jan -2005	
20-Oct -2005 Notice of Abandonment Rec'd		20-Oct -2005	
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APPLICATION NO.	FILING DATE	,	IRST NAME	D INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/081,517	02/21/2002		Walter Bra	ndenburger	22750/527	1022	
TITLE OF INVENTION VEHICLES	I: HYDROPNEUMATIC, L	EVEL-REGULAT	ED AXLE	SUSPENSION ON VEHIC	LES, IN PARTICULAR F	OR FULL-SUSPENSION	
APPLN. TYPE	SMALL ENTITY	ISSUE FE	E	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE	
nonprovisional	NO	\$1400		\$300	\$1700	03/29/2005	
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ROSENBERG, LAURA B

ART UNIT PAPER NUMBER

3616

DATE MAILED: 12/29/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,517	02/21/2002	Walter Brandenburger	22750/527	1022

TITLE OF INVENTION: HYDROPNEUMATIC, LEVEL-REGULATED AXLE SUSPENSION ON VEHICLES, IN PARTICULAR FOR FULL-SUSPENSION VEHICLES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$1700	03/29/2005

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A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.





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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,517	(	02/21/2002	Walter Brandenburger	22750/527	1022
26646	7590	12/29/2004		EXAM	INER
KENYON &				ROSENBERG	, LAURA B
ONE BROAD' NEW YORK, I				ART UNIT	PAPER NUMBER
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				DATE MAILED: 12/29/2004	1

### Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.